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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,686	11/02/2005	Howard A Kingsford	05918-347US1	8575
26161	7590	09/08/2009	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022				MORGAN JR, JACK HOSMER
ART UNIT		PAPER NUMBER		
3782				
NOTIFICATION DATE			DELIVERY MODE	
09/08/2009			ELECTRONIC	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/539,686	KINGSFORD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JACK H. MORGAN JR	3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10 February 2009.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-10 and 13-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10 and 13-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/28/09</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

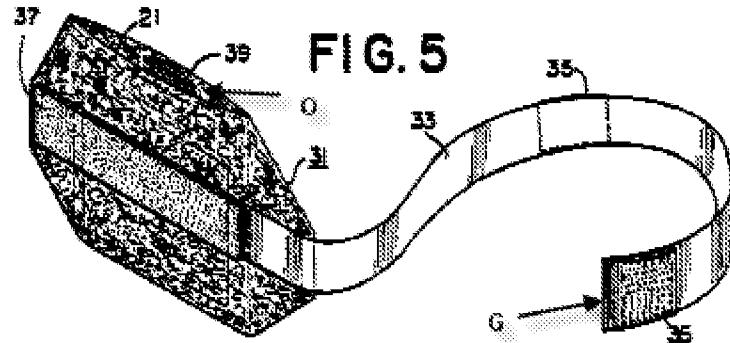
## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,150,707 (Anderson) in view of US 6,936,018 (Chalek) and applicant admitted prior art US 6,205,623 (Shepard et al).



In re Claim 1, Anderson, Figure 5 shown above, teaches a bag comprising:

- A bag body (31) defining therein a compartment (27) accessible through an opening at one end of the bag body (31); and
- Secured to the bag body (31) along one edge thereof and extending therefrom to a free distal end, a flexible strap (33), the strap (33) carrying an array of fastener elements (35) on an opposite side thereof (Column 3, Lines 38-43)

- The strap (33) being of sufficient length to wrap about an object, with the strap (33) overlapping the bag body (31) to engage exposed fibers (37) of the bag (31) with the fastener elements (35), to secure the bag (31) to the object. (Figures 5 and 6)

Anderson does not teach:

- A flexible strap of width sufficient to span at least a majority of the compartment
- The pocket opening being on the side facing the strap and
- Each fastener element having a stem extending integrally from a band of resin extending across the strap

Chalek, Figure 2, teaches a wrap (11) having the same width as the carrier platform, which can include a pocket (16). Chalek shows that a strap of width equal to the bag body is an equivalent structure **known in** the art. Therefore, because these two straps were art-recognized<sup>7</sup> equivalents at the time the invention was made, one of ordinary **skill in** the art would have found it obvious to substitute a strap of equal width as taught by Chalek for the strap of smaller width in Anderson. Chalek further discloses the opening of the pocket being on the side facing the strap, with the strap extending across the side opening, firmly keeping the pocket's contents inside. It would have been obvious to have the pocket opening be at the strap in order to keep the contents of the pocket more firmly held.

Applicant admitted prior art US 6,205,623 (Shepard et al) discloses a hook and loop fastener constructed such that the elongated hook components have a base of synthetic resin and an array of fastener elements extending from a first surface of the base. (Column 2, Lines 35-38). Shepard et al discloses that it is known in the art to provide a hook and loop fasteners having a stem extending integrally from a band of resin. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the hook and loop fasteners of Anderson with the hook and loop fasteners of Shepard et al in order to secure the strap to the bag body.

In re Claim 2, Anderson/Chalek/Shepard et al further teaches a bag wherein the band of resin encapsulates surface features of the strap to form an inseparable laminate. (Shepard et al, Column 4, Lines 40-47)

In re Claim 3, Anderson/Chalek/Shepard et al further teaches a bag wherein the band of resin is an integral region of the strap, the strap being a unitary sheet of the resin and extending beyond the array of fastener elements. (Shepard et al, Column 2, Lines 35-44).

In re Claim 4, Anderson/Chalek/Shepard et al further teaches a bag wherein the strap extends beyond the edge of the bag body a distance greater than about twice the width of the bag body measured from the same edge in the opposite direction. (Anderson, Figure 5)

In re Claim 5, Anderson/Chalek/Shepard et al further teaches a bag wherein the strap consists essentially of a sheet of loop material with the band of resin extending thereacross. (Shepard et al, Column 4, Lines 40-47)

In re Claim 6, Anderson/Chalek/Shepard et al further teaches a bag wherein the bag body is secured to the strap along multiple edges of the bag body. (Chalek, Figure 1)

In re Claim 7, Anderson/Chalek/Shepard et al further teaches a bag wherein the strap is an integral extension of one side of the bag body. (Anderson, Figure 5)

In re Claim 8, Anderson/Chalek/Shepard et al further teaches a bag wherein the bag body includes a releasable closure (Anderson, 39) extending along the opening (O).

In re Claim 9, Anderson/Chalek/Shepard et al does not teach a bag wherein the closure comprises a rib-and-groove closure. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a rib-and-groove closure for the Velcro closure at the opening of the pouch in Anderson, since it was known in the art that both Velcro and rib-and-groove closures can be used to create a seal between two piece of material across an opening therebetween.

In re Claim 10, Anderson/Chalek/Shepard et al further teaches a bag wherein the closure comprises a touch fastener closure. (Shepard et al, Column 3, Lines 18-24)

In re Claim 12, Anderson/Chalek/Shepard et al further teaches a bag wherein the opening extends along one side edge of the strap. (Anderson, Figure 5)

In re Claim 13, Anderson/Chalek/Shepard et al further teaches a bag wherein the strap is resiliently stretchable in a longitudinal sense. (Anderson, Column 3, Lines 38-43)

In re Claim 14, Anderson/Chalek/Shepard et al further teaches a bag wherein the fastener elements are disposed in a discrete band adjacent the free end of the strap. (Shepard et al, Abstract)

In re Claim 15, Anderson/Chalek/Shepard et al further teaches a bag wherein the discrete band is continuous and extends across the width of the strap. (Shepard et al, Column 4, Lines 2-11)

In re Claim 16, Anderson/Chalek/Shepard et al further teaches a bag wherein the strap includes a graspable non-fastening region beyond the band of fastener elements. (Anderson, Figure 5, G)

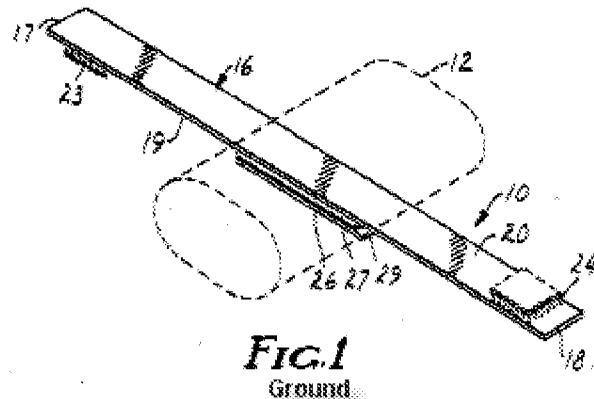
In re Claim 17, Anderson/Chalek/Shepard et al further teaches a bag wherein the compartment is defined fully within the width of the strap, such that the strap envelops the compartment when overlapped across the bag body.

In re Claim 18, Anderson/Chalek/Shepard et al teaches a method of releasably securing one or more relatively small components to a relatively larger object, the method comprising:

- Placing the components (Anderson 43, 42, 41 comprising the thermal pack) in the compartment (Anderson, 27) of a wrap-bag (Anderson, 31)
- Wrapping the wrap-bag about the object in overlapping manner, releasably securing the fastener elements of the wrap-bag to the fibers of the wrap-bag, to hold the wrap-bag to the object (Anderson, Figure 6)

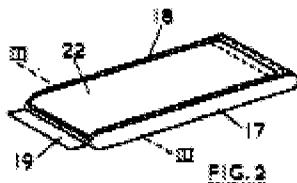
Art Unit: 3782

2. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson/Chalek/Shepard et al as applied to claims 1-17 above, and further in view of US 4,706,914 (Ground).



In re Claim 19, Anderson/Chalek/Shepard et al does not teach a method of releasably securing one or more relatively small components to a relatively larger object, wherein the relatively large object is a chassis, and the components are to be later assembled to the chassis. Ground, Figure 1 shown above, teaches an attaching assembly for holding wires to a structure such as a firewall of an automobile. It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the bag of Anderson/Chalek/Shepard et al to an automobile structure, such as a chassis or firewall, as taught by Ground, and place within the pouch components later to be attached to such structure, such as screws or bolt, so that such components would be within easy reach.

3. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson/Chalek/Shepard et al as applied to claims 1-17 above, and further in view of US 3,712,220 (Marke et al).



In re Claim 20, Anderson/Chalek/Shepard et al does not teach a method of releasably securing one or more relatively small components to a relatively larger object, wherein the relatively large object is to be detonated, and the components comprise one or more explosive charges. Marke et al, Figure 2 shown above, teaches a pouch shaped explosive charge (Figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the bag of Anderson/Chalek/Shepard et al to a structure to be detonated, and to place the explosive charge of Marke et al in the pouch of Anderson/Chalek/Shepard et al, to ensure that the explosive charge remained fixed to the structure to be detonated.

#### ***Response to Arguments***

4. Applicant's arguments, see remarks, filed February 10, 2009, with respect to the rejection(s) of claim(s) 1 (originally filed as 11) under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Chalek.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JACK H. MORGAN JR whose telephone number is (571)272-3385. The examiner can normally be reached on M-Th 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jack H Morgan  
Examiner  
Art Unit 3782

/Nathan J. Newhouse/

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Supervisory Patent Examiner, Art Unit 3782